

Tab D

Tab D-1

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MASSACHUSETTS

3
4 IN RE:) MDL No. 1456

5 PHARMACEUTICAL INDUSTRY)

6 AVERAGE WHOLESALE PRICE) Civil Action:

7 LITIGATION.) 01-CV-12257-PBS

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10 The deposition of TERRY D. TENBRUNSEL called

11 by the Plaintiffs for examination, pursuant to the

12 Rules of Civil Procedure for the United States

13 District Courts pertaining to the taking of

14 depositions, taken before Mary C. Kelly, a

15 Certified Shorthand Reporter and Notary Public

16 within and for the County of Cook and State of

17 Illinois, at Suite 5500, 10 South Dearborn Street,

18 Chicago, Illinois, commencing on the 10th day of

19 November, A.D., 2005, at 9:00 o'clock a.m.

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1 PRESENT:

2 THE WEXLER FIRM LLP,
3 (One North LaSalle Street, Suite 2000,
4 Chicago, Illinois 60602), by:
5 MS. JENNIFER FOUNTAIN CONNOLLY,

6 On behalf of the Plaintiffs;

7
8 SIDLEY, AUSTIN, BROWN & WOOD,
9 (10 S. Dearborn Street,
10 Chicago, Illinois 60603), by:

11 MR. RICHARD RASKIN,

12 On behalf of the Deponent.
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1 I think I would need to get back to you on that.

2 Q. Okay.

3 And then DTIC Dome and Mithracin are not
4 actively marketed at this time?

5 A. To the best of my knowledge, there is
6 not and has never been a product manager or a
7 sales force assigned to either of those two
8 products to the best of my knowledge.

9 Q. And is that how you define actively
10 marketed as whether a product has a product
11 manager for it?

12 A. I would define actively marketed as a
13 combination of two things, a product manager
14 working on it and a sales force being deployed
15 against it.

16 Q. Okay.

17 And you said DTIC Dome did not have a
18 product manager. Did it ever have a sales force
19 to your knowledge?

20 A. Not to my knowledge as far back as 1985.

21 Q. Is the same thing true for Mithracin?

22 It neither had a product manager or a sales force?

1 A. Both DTIC Dome and Mithracin to the best
2 of my knowledge have never had either deployed
3 against it.

4 Q. I apologize for butchering the names.

5 A. That's all right. It's not a problem
6 for me.

7 Q. So when there is a product -- let's
8 start with the pharmaceutical side -- that doesn't
9 have a product manager or a sales force deployed
10 to it, where are sales -- even if they are small,
11 where are they channeled? To what group?

12 A. I don't know that I can speak to the
13 pharmaceutical side, Number 1, and, Number 2, I'm
14 not sure that I understand your question.

15 Q. I guess I was inquiring if a customer
16 had a question about one of those products or
17 wanted to ask someone about them, who would they
18 contact at Bayer if there were no active field
19 sales force in place or product manager in place?

20 A. What kind of question are you thinking
21 about that might be raised?

22 Q. Well, let's start with a question just